

KATHERINE J. HARRIS,)
)
Plaintiff,)
)
vs.) Case No. 4:06CV463 CDP
)
R. JAMES NICHOLSON,)
)
Defendant.)

Plaintiff has filed a request for additional time to show cause why the defendant's motion for summary judgment should not be granted, and has asked again that I appoint counsel to represent her. Plaintiff again says that she has been ill and therefore needs an attorney to help her prosecute her case. Once again, however, she has failed to provide any explanation about her illness or any independent evidence supporting her claim of illness.

Plaintiff alleges discrimination based on race, sex, and retaliation.

Defendant has filed a motion for summary judgment, which is supported by evidence showing that plaintiff was disciplined for excessive absences, among other things. Defendant's evidence shows that plaintiff repeatedly failed to submit required statements from her physicians supporting her claimed need for medical leave, and that on at least one occasion she supplied a falsified document

purporting to have been written by a doctor.

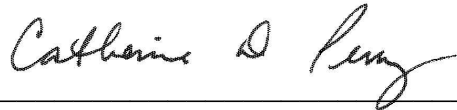
There is no right to appointed counsel in a civil case such as this. Plaintiff's filings and conduct in the case have shown that she is capable of representing herself. Plaintiff appeared at the Rule 16 conference and discussed her case with the court and opposing counsel. She understands the law, and the evidence is, of course, all within her own control. Plaintiff is fully capable of filing an affidavit setting out her version of the events if she believes genuine disputes of material fact exist. I caution plaintiff, however, that affidavits or declarations, to be admissible as evidence, must be submitted under penalty of perjury. I do not believe that appointment of counsel is necessary.

I am especially hesitant to appoint counsel where one of plaintiff's stated reasons for her inaction is some unspecified illness. Defendant's evidence is that plaintiff has a history of making false claims of illness, and she has made no attempt in this case to explain what her supposed illness is or why it has prevented her from prosecuting this case, which she chose to file herself. This has gone on long enough, and although I will grant her additional time to file her response, I will not grant further extensions. While it would be better if plaintiff had a lawyer, I will not force a lawyer to represent her.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for additional time to respond to defendant's motion for summary judgment [#42] is granted, and plaintiff shall file her written response, attaching any evidence on which she relies, no later than **January 4, 2008**.

IT IS FURTHER ORDERED that plaintiff's renewed motion for appointment of counsel [#43] is denied.

A handwritten signature in cursive script, reading "Catherine D. Perry", written in black ink.

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 14th day of December, 2007.